



The New York Times
Company
MEMO ENDORSED

David McCraw
Vice President and
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Honorable Frank Maas
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: New York Times v. U.S. Dep't of Treasury, 09 Civ. 10437 (FM)

Dear Judge Maas:

I write on behalf of Plaintiff The New York Times Company ("The Times") to call the Court's attention to a remaining issue in the above-referenced Freedom of Information Act ("FOIA") action. As Your Honor will recall, the Court granted summary judgment to The Times, and the Government has decided not to appeal. The sole remaining issue is The Times's entitlement to attorney's fees under FOIA, 5 U.S.C. § 552(a)(4)(E)(ii)(II).

The parties are currently attempting to settle the fees issue without the intervention of the Court. However, if those negotiations fail to arrive at settlement, The Times will be making a motion to the Court for resolution of the fees matter.

I write in the event that the Court wishes for The Times to go ahead with motion practice and have the issue resolved. It is our current intention, in the absence of direction from the Court, to continue negotiating with the Government and not engage in motion practice unless and until there is an impasse.

Respectfully submitted,

David E. McCraw

cc: Joseph Cordaro, AUSA

*Negotation is always
preferable. If a motion is
necessary, please telephone
my Chambers to arrange a pre-
motion telephone conference.
JDM, Usus
1/4/11*